

REMARKS

By this amendment, Applicant amends claims 19, 20, 22, 25–29, and 45 and cancels claims 30, 31, 46, and 47 to set forth the invention with more particularity. Claims 1–18 were previously canceled. No new matter is added by this amendment. Claims remaining in this application are:

Independent claims: 19, 29, 45

Dependent claims: 20–28, 32–44, 48–60

Rejections under 35 U.S.C. § 103

As summarized in the prior amendment and response, Applicant's claims are directed to a gaming method and device in which a bonus selection apparatus displays changeable bonus award amounts. These changeable bonus award amounts may be changed between base games or during the course of a base game. As discussed in the specification, these bonus award amounts may change randomly or in response to any number of conditions. As discussed in the specification at page 7, lines 4–8, the bonus award amounts are selected from a schedule of bonus award amounts. As discussed in the specification, the bonus awards may be selected in a weighted random manner so that certain bonus award amounts are selected more frequently than other bonus award amounts.

In addition to displaying the changeable bonus award amounts, the bonus selection apparatus also selects a bonus award amount upon the occurrence of a bonus trigger condition. Thus, the display of a changeable bonus award amount on the bonus selection apparatus does not guarantee that it will be selected and awarded since (1) the bonus selection apparatus may display

more than one changeable bonus award available for selection and (2) a changeable bonus award is only issued if it is selected after a bonus trigger condition. As discussed in the specification, the bonus trigger condition may relate to the base game or may be independent of the base game.

In rejecting the claims, Examiner cited various combinations of Demar, Adams, Boyd, and Giobbi. However, in the office action, Examiner conceded that Demar, Adams, and Boyd failed to teach or suggest a “changeable” bonus. See Office Action of January 14, 2010, p. 3, ll. 8–9. Rather, Examiner relied entirely on Giobbi to teach the feature of a “changeable” bonus.

Applicant respectfully submits that Giobbi fails to disclose or suggest the changeable bonus as recited in the amended claims. Giobbi discloses a slot machine game in which different paytables are selected based on the amount wagered by a player. For example, FIGS. 9a–9g of Giobbi illustrate various bonus paytables based on the wager level of the player. Giobbi’s paytables allow the payback to a player to advance in lock step with the player’s wager level. Thus, a player in the game disclosed by Giobbi who wagers one to four credits has a payback percentage of 90.00 percent overall and 9.04 percent in the bonus game, while a player who wagers eight to eleven credits has a payback percentage of 91.40 percent overall and 10.44 percent in the bonus game. Put another way, a player wagering at a first level plays with a first payable, a player wagering at a second level plays with a second payable, and so forth.

This is distinguishable from the invention recited in claims 19, 29, and 45. Giobbi fails to disclose a bonus selection apparatus with a plurality of surface display elements with each bonus award amount displayed on a separate surface display element. Rather, Giobbi only discloses a single display with all the bonus action occurring on that single display. See, e.g.,

Giobbi, FIG. 5. Similarly, none of the other references disclose such a feature. Demar and Adams only disclose a static display and Boyd shows only a single display. As recited in the claims, Applicant's bonus display device includes a plurality of surface display elements which can each display a separate changeable bonus award amount. See, e.g. Specification, FIGS. 2, 3, 6, 8, and 9. Because the cited references fail to teach or suggest such a feature, Applicant submits that claims 19, 29, and 45 are allowable.

Additionally, claims 19, 29, and 45 recite a gaming machine in which the changing bonus award amounts are selected from a schedule of available bonus award amounts that is larger than the number of bonus award amounts needed to populate the bonus selection apparatus. For example, a schedule may include twenty bonus award amounts to populate a bonus selection apparatus with twelve surface display elements. Thus, in this example, only twelve out of twenty bonus award amounts will be displayed on the bonus selection apparatus. As discussed in the specification, the schedule may be weighted so that certain bonus award amounts may be displayed more frequently than others.

For example, a bonus selection apparatus could take the form of a top box with twelve changeable surface display elements. In one such example, the bonus selection process may begin when five symbols, such as five red hats, appear on the reels during play of a reel slot game. Five of the changeable surface display elements may each display a red hat and the remaining seven changeable surface display elements may display other objects such as shoes, rings, and black hats. An animated on-screen object is rotated and an object, such as a red hat, is chosen. An animated figure of a woman reaches into the object, e.g. the red hat, to pull out a the

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bonus award amount indicating the prize won, for example 1,000 credits. What the player did not see was that the twelve objects (red hats, rings, black hats, shoes) were assigned, by the processor, a bonus award amount of credits randomly selected from twenty different bonus award amounts. In an embodiment in which duplicate selections may occur (for example, twenty credits may be eligible for selection to multiple objects), the process of populating the bonus display (i.e. assigning bonus award amounts to the objects displayed on the surface display elements) and the process of selecting a bonus award amount for the player (i.e. selecting an object and displaying the animation to reveal the bonus award amount assigned to the object) will be different each game.

In another example, the base game may be a five reel slot machine with physical, spinning reels (also referred to as stepper reels or reels controlled by stepper motors). Each reel includes at least one heart symbol. Each time a heart symbol lands on a payline, with or without a winning combination in the base game, the gaming machine adds a heart to a video-simulated "Ring of Love" in the top box, above the reels. As each heart is added to the display, a bonus award amount is assigned to the heart by randomly selecting a bonus award amount from a fixed pool of bonus award amounts. In one example, the bonus selection apparatus, e.g. the "Ring of Love," may include twelve surface display elements for twelve hearts, with the bonus selection apparatus commencing the bonus selection process when all twelve spots have been filled with a heart and its associated bonus award amount. For example, after twelve games in which a heart symbol falls on a payline, the "Ring of Love" may include twelve hearts assigned the bonus award amounts of 10, 25, 50, 50, 30, 75, 500, 50, 10, 40, 100 and 80 credits. As recited in the

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claims, and as discussed above, the bonus award amounts associated with the twelve hearts are assigned from a pool containing more than twelve (such as twenty) bonus award amounts available to be assigned to the hearts displayed at the surface display elements. In this example, it is also noted that certain amounts have been selected multiple times (50 credits has been assigned to three heart symbols and 10 credits has been assigned to two heart symbols) so that the twelve hearts represent nine of the twenty bonus award amounts available, with the remaining eleven bonus award amounts excluded from being awarded. Stated mathematically,  $X$  bonus award amounts are selected for inclusion on the bonus selection apparatus from a pool of  $Y$  available bonus award amounts, in which  $X < Y$ . At least one of the hearts is selected and the corresponding bonus award amount is awarded to the player. Again, the characteristics of the game are that (a) the bonus award amounts are changeable so the hearts on the "Ring of Love" would vary from game to game and (b) the bonus award amounts assigned to the hearts represents a subset (nine out of twenty) of the available bonus award amounts. The result of these two features shown in this example and recited in the claims is that the bonus game will be different with each game.

This is distinguishable from the cited references. The cited references fail to disclose or suggest selecting bonus award amounts from a schedule of available bonus awards to populate a changeable bonus display. Examiner conceded that Demar, Adams, and Boyd failed to show a bonus selection apparatus with changeable bonus award amounts. Giobbi also fails to disclose or suggest the recited bonus selection apparatus. Specifically, Giobbi does not select bonus award amounts to populate a bonus display. Rather, Giobbi selects paytables in lock step with the

player's wager. In other words, in Giobbi if seven outcomes are available to the player on a payable for one to four credit wagers, *all seven outcomes are displayed to the player on the bonus payable*. Thus, there is no "identification" step that occurs in Giobbi and certainly no selection of bonus award amounts from a schedule of bonus award amounts that contains *more* bonus award amounts than are needed to populate the bonus selection apparatus.

The consequence, as Examiner may appreciate, is that while Giobbi's payback percentage proceeds in lock step (e.g. 9.04% for one to four credits, to 9.98% for five to seven credits, and so forth in FIGS. 9a-9g), the payback percentage of Applicant's bonus game will vary from game to game depending on which bonus award amounts are "identified" from the schedule of bonus award amounts that contains more bonus award amounts than are needed. Put another way, as recited in amended claims 19, 29, and 45, Applicant's gaming device does not merely rearrange the bonus award amounts but rather selects bonus award amounts and, by the laws of probability, this will introduce some variation in the payback percentage that is not taught or suggested by the lock step paytables disclosed by Giobbi.

Applicant anticipates that Examiner will point to the example paytables shown in FIGS. 6a-6e of Giobbi which include varying numbers of bonus outcomes. Applicant respectfully submits that the examples of FIGS. 6a-6e are distinguishable. Applicant's claims 19, 29, and 45 specifically recite that the number of bonus award amounts "available" is greater than the number of bonus award amounts "identified" for display on the bonus selection apparatus. The examples of FIGS. 6a-6e of Giobbi only disclose that the number of available bonus outcomes may vary. That is, the number of available bonus outcomes may vary from four to eight depending on the

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player's wager level, but if four bonus outcomes are available for a wager of one to five credits, all four are displayed to the player and all four could occur. Applicant's game is distinguishable since a bonus award amount cannot be selected if it does not appear on the bonus selection apparatus. Thus, if twenty bonus award amounts are available on a schedule of bonus award amounts, and twelve are identified to populate the bonus selection apparatus, the remaining eight bonus award amounts are effectively *eliminated* from the bonus game. This is not shown in Giobbi or any of the other cited references.

Because Giobbi and the other cited references fail to teach or suggest the selection of bonus award amounts to populate a bonus selection apparatus from a schedule of available bonus award amounts with a greater number of available bonus award amounts than are needed to populate the bonus selection apparatus, Applicant submits that claims 19, 29, and 45 are allowable.

Dependent claims 20 and 23–28 depend from claim 19. Dependent claims 32–44 depend from claim 29. Dependent claims 48–60 depend from claim 45. Because these claims depend from allowable independent claims, Applicant submits that these dependent claims are allowable.

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Conclusion

For the reasons advanced above, all pending claims are now believed to be in condition for allowance. Should Examiner believe that a telephone interview would advance the prosecution of this application, the undersigned would invite and request such an interview.

Respectfully submitted,  
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Dated: June 2, 2010

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